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13 THE JACKSON LABORATORY

14  
15 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 THE CENTRAL INSTITUTE FOR  
18 EXPERIMENTAL ANIMALS, a Japanese  
corporation,

19 Plaintiff,

20 v.

21 THE JACKSON LABORATORY, a Maine  
corporation

22 Defendant.

23 Case No. CV 08-5568 RMW

24  
25 **ORDER ON JACKSON'S  
UNOPPOSED MOTION FOR LEAVE TO  
FILE A SUPPLEMENTAL  
COUNTERCLAIM**

26 Judge: Hon. Ronald M. Whyte  
Courtroom: #6, 4th Floor

1 Having considered Jackson's Unopposed Motion for Leave to File a Supplemental  
2 Counterclaim (D.I. 138) and the parties' Civil Local Rule 7-12 Stipulation Allowing  
3 Jackson to File a Supplemental Counterclaim (D.I. 137), the Court hereby GRANTS  
4 Jackson's motion. The Court orders as follows:

5       1. The Tutorial and Claim Construction Hearing scheduled for February 2-3,  
6 2010 will address the disputed terms in both the '055 patent asserted by CIEA against  
7 Jackson and the NIH '173 patent asserted in counterclaim by Jackson against CIEA.

8       2. Before the Tutorial and Claim Construction Hearing, Jackson shall file the  
9 proposed answer and counterclaim attached as Exhibit B to D.I. 139.

10      3. CIEA may answer or otherwise respond to Jackson's supplemental  
11 counterclaim by February 12, 2010.

12      4. If CIEA moves to dismiss Jackson's supplemental counterclaim, Jackson  
13 may oppose that motion by March 5, 2010 and CIEA may file a reply by March 12, 2010.

14      5. The hearing, if any, on such a motion to dismiss will be held on **March 26,**  
15 **2010.**

16 Date: January 27, 2010



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18 HON. RONALD M. WHYTE  
19 United States District Court Judge  
20 Northern District of California  
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